## Assembly Bill No. 248

#### **CHAPTER 876**

An act to amend Section 2079.10a of, to add Section 1102.17 to, to add Article 1.7 (commencing with Section 1103) to Chapter 2 of Title 4 of Part 4 of Division 2 of, and to repeal Section 1102.6c of, the Civil Code, to amend Sections 8589.3, 8589.4, and 51183.5 of the Government Code, and to amend Sections 2621.9, 2694, and 4136 of the Public Resources Code, relating to real property disclosures.

[Approved by Governor October 8, 1999. Filed with Secretary of State October 10, 1999.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 248, Torlakson. Natural Hazard Disclosure Statements.

Existing law requires certain information to be disclosed by transferors and their agents to prospective transferees prior to specified transfers of residential real property. Existing law also requires these transferors and their agents, when specified conditions are met, to make certain disclosures, on a form known as a Natural Hazard Disclosure Statement, if the real property to be transferred is located in an earthquake fault zone, or an area subject to flooding, fire hazards, or seismic hazards.

This bill would reorganize these provisions and make technical changes with respect to Natural Hazard Disclosure Statements. The bill would also require certain sellers of residential real property who have actual knowledge that the property is affected by or zoned to permit certain manufacturing, commercial, or airport uses to give written notice of that knowledge, as soon as practicable before transfer of title.

The people of the State of California do enact as follows:

SECTION 1. Section 1102.6c of the Civil Code is repealed.

SEC. 2. Section 1102.17 is added to the Civil Code, to read:

1102.17. The seller of residential real property subject to this article who has actual knowledge that the property is affected by or zoned to allow an industrial use described in Section 731a of the Code of Civil Procedure shall give written notice of that knowledge as soon as practicable before transfer of title.

SEC. 3. Article 1.7 (commencing with Section 1103) is added to Chapter 2 of Title 4 of Part 4 of Division 2 of the Civil Code, to read:

Ch. 876 -2-

# Article 1.7. Disclosure of Natural Hazards Upon Transfer of Residential Property

- 1103. (a) Except as provided in Section 1103.2, this article applies to any transfer by sale, exchange, installment land sale contract, as defined in Section 2985, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any real property described in subdivision (c), or residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units.
- (b) Except as provided in Section 1103.2, this article shall apply to a resale transaction entered into on or after January 1, 2000, for a manufactured home, as defined in Section 18007 of the Health and Safety Code, that is classified as personal property intended for use as a residence, or a mobilehome, as defined in Section 18008 of the Health and Safety Code, that is classified as personal property intended for use as a residence, if the real property on which the manufactured home or mobilehome is located is real property described in subdivision (c).
- (c) This article shall apply to the transactions described in subdivisions (a) and (b) only if the transferor or his or her agent are required by one or more of the following to disclose the property's location within a hazard zone:
- (1) A person who is acting as an agent for a transferor of real property that is located within a special flood hazard area (any type Zone "A" or "V") designated by the Federal Emergency Management Agency, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a special flood hazard area if either:
- (A) The transferor, or the transferor's agent, has actual knowledge that the property is within a special flood hazard area.
- (B) The local jurisdiction has compiled a list, by parcel, of properties that are within the special flood hazard area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.
- (2) A person who is acting as an agent for a transferor of real property that is located within an area of potential flooding, designated pursuant to Section 8589.5 of the Government Code, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within an area of potential flooding if either:
- (A) The transferor, or the transferor's agent, has actual knowledge that the property is within an inundation area.
- (B) The local jurisdiction has compiled a list, by parcel, of properties that are within the inundation area and a notice has been

**—3** — Ch. 876

posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.

- (3) A transferor of real property that is located within a very high fire hazard severity zone, designated pursuant to Section 51178 of the Public Resources Code, shall disclose to any prospective transferee the fact that the property is located within a very high fire hazard severity zone and is subject to the requirements of Section 51182 if either:
- (A) The transferor, or the transferor's agent, has actual knowledge that the property is within a very high fire hazard severity zone.
- (B) A map that includes the property has been provided to the local agency pursuant to Section 51178 of the Public Resources Code and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the local agency.
- (4) A person who is acting as an agent for a transferor of real property that is located within an earthquake fault zone, designated pursuant to Section 2622 of the Public Resources Code, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a delineated earthquake fault zone if either:
- (A) The transferor, or the transferor's agent, has actual knowledge that the property is within a delineated earthquake fault zone.
- (B) A map that includes the property has been provided to the city or county pursuant to Section 2622 of the Public Resources Code and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the county.
- (5) A person who is acting as an agent for a transferor of real property that is located within a seismic hazard zone, designated pursuant to Section 2696 of the Public Resources Code, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a seismic hazard zone if either:
- (A) The transferor, or the transferor's agent, has actual knowledge that the property is within a seismic hazard zone.
- (B) A map that includes the property has been provided to the city or county pursuant to Section 2696 of the Public Resources Code and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the county.

Ch. 876 — **4**—

- (6) A transferor of real property that is located within a state responsibility area determined by the board, pursuant to Section 4125 of the Public Resources Code, shall disclose to any prospective transferee the fact that the property is located within a wildland area that may contain substantial forest fire risks and hazards and is subject to the requirements of Section 4291 if either:
- (A) The transferor, or the transferor's agent, has actual knowledge that the property is within a wildland fire zone.
- (B) A map that includes the property has been provided to the city or county pursuant to Section 4125 of the Public Resources Code and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the county.
- (d) Any waiver of the requirements of this article is void as against public policy.
  - 1103.1. (a) This article does not apply to the following transfers:
- (1) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers pursuant to a writ of execution, transfers by any foreclosure sale, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance.
- (2) Transfers to a mortgagee by a mortgagor or successor in interest who is in default, transfers to a beneficiary of a deed of trust by a trustor or successor in interest who is in default, transfers by any foreclosure sale after default, transfers by any foreclosure sale after default in an obligation secured by a mortgage, transfers by a sale under a power of sale or any foreclosure sale under a decree of foreclosure after default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale, or transfers by a mortgagee or a beneficiary under a deed of trust who has acquired the real property at a sale conducted pursuant to a power of sale under a mortgage or deed of trust or a sale pursuant to a decree of foreclosure or has acquired the real property by a deed in lieu of foreclosure.
- (3) Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.
  - (4) Transfers from one coowner to one or more other coowners.
- (5) Transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the transferors.
- (6) Transfers between spouses resulting from a judgment of dissolution of marriage or of legal separation of the parties or from a property settlement agreement incidental to that judgment.
- (7) Transfers by the Controller in the course of administering Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure.

**\_\_5** \_\_ Ch. 876

- (8) Transfers under Chapter 7 (commencing with Section 3691) or Chapter 8 (commencing with Section 3771) of Part 6 of Division 1 of the Revenue and Taxation Code.
  - (9) Transfers or exchanges to or from any governmental entity.
- (b) Transfers not subject to this article may be subject to other disclosure requirements, including those under Sections 8589.3, 8589.4, and 51183.5 of the Government Code and Sections 2621.9, 2694, and 4136 of the Public Resources Code. In transfers not subject to this article, agents may make required disclosures in a separate writing.
- 1103.2. (a) The disclosures required by this article are set forth in, and shall be made on a copy of, the following Natural Hazard Disclosure Statement:

### NATURAL HAZARD DISCLOSURE STATEMENT

This statement applies to the following property: \_\_\_

and the transferor.

The	transferor	and	his	or	her a	agent(s	) di	sclose	the	fo	ollow	ing	in-
forma	tion with	the	knov	wledg	ge th	at eve	n th	ough	this	is	not	a	war-
ranty,	prospecti	ve t	ransf	erees	may	y rely	on	this	info	rma	tion	in	de-
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ciding whether and on what terms to purchase the subject property. Transferor hereby authorizes any agent(s) representing any principal(s) in this action to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

The following are representations made by the transferor and his or her agent(s) based on their knowledge and maps drawn by the state and federal governments. This information is a disclosure and is not intended to be part of any contract between the transferee

THIS REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA(S):

A	SPECI	AL FLOOD	Н	AZA	RD ARE	A (Any	type	e Zone	"A"
or	"V")	designated	by	the	Federal	Emerger	су	Manage	ment
Aو	gency.								

Yes	No	Do not know and
		information not
		available from local
		inrisdiction

Ch. 876 — **6**—

AN AREA OF POTENTIAL F failure inundation map pursuar Government Code.	
:	Do not know and information not available from local jurisdiction
A VERY HIGH FIRE HAZARI to Section 51178 or 51179 of owner of this property is requirements of Section 51182 of the	the Government Code. The subject to the maintenance
Yes No	
A WILDLAND AREA SUBSTANTIAL FOREST FIR pursuant to Section 4125 of the owner of this property is requirements of Section 4291 of Additionally, it is not the state's protection services to any be within the wildlands unless the Fire Protection has entered in with a local agency for those 4142 of the Public Resources Code	Public Resources Code. The subject to the maintenance of the Public Resources Code. It is responsibility to provide fire uilding or structure located to Department of Forestry and into a cooperative agreement purposes pursuant to Section
Yes No	
AN EARTHQUAKE FAULT 2622 of the Public Resources Code	
Yes No	
A SEISMIC HAZARD ZONE p Public Resources Code.	ursuant to Section 2696 of the
Yes (Landslide Zone) No	Yes (Liquefaction Zone) Map not yet released by state

**—7** — Ch. 876

THESE HAZARDS MAY LIMIT YOUR ABILITY TO DEVELOP THE REAL PROPERTY, TO OBTAIN INSURANCE, OR TO RECEIVE ASSISTANCE AFTER A DISASTER.

THE MAPS ON WHICH THESE DISCLOSURES ARE BASED ESTIMATE WHERE NATURAL HAZARDS EXIST. THEY ARE NOT DEFINITIVE INDICATORS OF WHETHER OR NOT A PROPERTY WILL BE AFFECTED BY A NATURAL DISASTER. TRANSFEREE(S) AND TRANSFEROR(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE REGARDING THOSE HAZARDS AND OTHER HAZARDS THAT MAY AFFECT THE PROPERTY.

Transferor represents that the information herein is true and correct to the best of the transferor's knowledge as of the date signed by the transferor.

Signature of Transferor	Date
Agent represents that the information he the best of the agent's knowledge as of the da	
Signature of Agent D Signature of Agent D	
Transferee represents that he or she has document.	s read and understands this
Signature of Transferee	Date

- (b) If an earthquake fault zone, seismic hazard zone, very high fire hazard severity zone, or wildland fire area map or accompanying information is not of sufficient accuracy or scale that a reasonable person can determine if the subject real property is included in a natural hazard area, the transferor or transferor's agent shall mark "Yes" on the Natural Hazard Disclosure Statement. The transferor or transferor's agent may mark "No" on the Natural Hazard Disclosure Statement if he or she attaches a report prepared pursuant to subdivision (c) of Section 1103.4 that verifies the property is not in the hazard zone. Nothing in this subdivision is intended to limit or abridge any existing duty of the transferor or the transferor's agents to exercise reasonable care in making a determination under this subdivision.
- (c) If the Federal Emergency Management Agency has issued a Letter of Map Revision confirming that a property is no longer within

Ch. 876 — 8—

a special flood hazard area, then the transferor or transferor's agent may mark "No" on the Natural Hazard Disclosure Statement, even if the map has not yet been updated. The transferor or transferor's agent shall attach a copy of the Letter of Map Revision to the disclosure statement.

- (d) If the Federal Emergency Management Agency has issued a Letter of Map Revision confirming that a property is within a special flood hazard area and the location of the letter has been posted pursuant to subdivision (g) of Section 8589.3 of the Government Code, then the transferor or transferor's agent shall mark "Yes" on the Natural Hazard Disclosure Statement, even if the map has not yet been updated. The transferor or transferor's agent shall attach a copy of the Letter of Map Revision to the disclosure statement.
- (e) The disclosure required pursuant to this article may be provided by the transferor and the transferor's agent in the Local Option Real Estate Disclosure Statement described in Section 1102.6a, provided that the Local Option Real Estate Disclosure Statement includes substantially the same information and substantially the same warnings that are required by this section.
- (f) The disclosure required by this article is only a disclosure between the transferor, the transferor's agents, and the transferee, and shall not be used by any other party, including, but not limited to, insurance companies, lenders, or governmental agencies, for any purpose.
- (g) In any transaction in which a transferor has accepted, prior to June 1, 1998, an offer to purchase, the transferor, or his or her agent, shall be deemed to have complied with the requirement of subdivision (a) if the transferor or agent delivers to the prospective transferee a statement that includes substantially the same information and warning as the Natural Hazard Disclosure Statement.
- 1103.3. (a) The transferor of any real property subject to this article shall deliver to the prospective transferee the written statement required by this article, as follows:
- (1) In the case of a sale, as soon as practicable before transfer of title.
- (2) In the case of transfer by a real property sales contract, as defined in Section 2985, or by a lease together with an option to purchase, or a ground lease coupled with improvements, as soon as practicable before execution of the contract. For the purpose of this subdivision, "execution" means the making or acceptance of an offer.
- (b) The transferor shall indicate compliance with this article either on the receipt for deposit, the real property sales contract, the lease, any addendum attached thereto, or on a separate document.
- (c) If any disclosure, or any material amendment of any disclosure, required to be made pursuant to this article is delivered after the execution of an offer to purchase, the transferee shall have

**—9** — Ch. 876

three days after delivery in person or five days after delivery by deposit in the mail to terminate his or her offer by delivery of a written notice of termination to the transferor or the transferor's agent.

- 1103.4. (a) Neither the transferor nor any listing or selling agent shall be liable for any error, inaccuracy, or omission of any information delivered pursuant to this article if the error, inaccuracy, or omission was not within the personal knowledge of the transferor or the listing or selling agent, and was based on information timely provided by public agencies or by other persons providing information as specified in subdivision (c) that is required to be disclosed pursuant to this article, and ordinary care was exercised in obtaining and transmitting the information.
- (b) The delivery of any information required to be disclosed by this article to a prospective transferee by a public agency or other person providing information required to be disclosed pursuant to this article shall be deemed to comply with the requirements of this article and shall relieve the transferor or any listing or selling agent of any further duty under this article with respect to that item of information.
- (c) The delivery of a report or opinion prepared by a licensed engineer, land surveyor, geologist, or expert in natural hazard discovery dealing with matters within the scope of the professional's license or expertise, shall be sufficient compliance for application of the exemption provided by subdivision (a) if the information is provided to the prospective transferee pursuant to a request therefor, whether written or oral. In responding to that request, an expert may indicate, in writing, an understanding that the information provided will be used in fulfilling the requirements of Section 1103.2 and, if so, shall indicate the required disclosures, or parts thereof, to which the information being furnished is applicable. Where that statement is furnished, the expert shall not be responsible for any items of information, or parts thereof, other than those expressly set forth in the statement.
- 1103.5. (a) After a transferor and his or her agent comply with Section 1103.2, they shall be relieved of further duty under this article with respect to those items of information. The transferor and his or her agent shall not be required to provide notice to the transferee if the information provided subsequently becomes inaccurate as a result of any governmental action, map revision, changed information, or other act or occurrence, unless the transferor or agent has actual knowledge that the information has become inaccurate.
- (b) If information disclosed in accordance with this article is subsequently rendered inaccurate as a result of any governmental action, map revision, changed information, or other act or occurrence subsequent to the delivery of the required disclosures,

Ch. 876 — **10** —

the inaccuracy resulting therefrom does not constitute a violation of this article.

1103.7. Each disclosure required by this article and each act that may be performed in making the disclosure shall be made in good faith. For purposes of this article, "good faith" means honesty in fact in the conduct of the transaction.

1103.8. (a) The specification of items for disclosure in this article does not limit or abridge any obligation for disclosure created by any other provision of law or that may exist in order to avoid fraud, misrepresentation, or deceit in the transfer transaction. The legislature does not intend to affect the existing obligations of the parties to a real estate contract, or their agents, to disclose any fact materially affecting the value and desirability of the property, including, but not limited to, the physical condition of the property and previously received reports of physical inspection noted on the disclosure form provided pursuant to Section 1102.6 or 1102.6a.

(b) Nothing in this article shall be construed to change the duty of a real estate broker or salesperson pursuant to Section 2079.

1103.9. Any disclosure made pursuant to this article may be amended in writing by the transferor or his or her agent, but the amendment shall be subject to Section 1103.3.

1103.10. Delivery of disclosures required by this article shall be by personal delivery to the transferee or by mail to the prospective transferee. For the purposes of this article, delivery to the spouse of a transferee shall be deemed delivery to the transferee, unless provided otherwise by contract.

1103.11. Any person or entity, other than a real estate licensee licensed pursuant to Part 1 (commencing with Section 10000) of Division 4 of the Business and Professions Code, acting in the capacity of an escrow agent for the transfer of real property subject to this article shall not be deemed the agent of the transferor or transferee for purposes of the disclosure requirements of this article, unless the person or entity is empowered to so act by an express written agreement to that effect. The extent of that agency shall be governed by the written agreement.

1103.12. (a) If more than one licensed real estate broker is acting as an agent in a transaction subject to this article, the broker who has obtained the offer made by the transferee shall, except as otherwise provided in this article, deliver the disclosure required by this article to the transferee, unless the transferor has given other written instructions for delivery.

(b) If a licensed real estate broker responsible for delivering the disclosures under this section cannot obtain the disclosure document required and does not have written assurance from the transferee that the disclosure has been received, the broker shall advise the transferee in writing of his or her rights to the disclosure. A licensed real estate broker responsible for delivering disclosures under this

**— 11 —** Ch. 876

section shall maintain a record of the action taken to effect compliance in accordance with Section 10148 of the Business and Professions Code.

- 1103.13. No transfer subject to this article shall be invalidated solely because of the failure of any person to comply with any provision of this article. However, any person who willfully or negligently violates or fails to perform any duty prescribed by any provision of this article shall be liable in the amount of actual damages suffered by a transferee.
- 1103.14. (a) As used in this article, "listing agent" means listing agent as defined in subdivision (f) of Section 1086.
- (b) As used in this article, "selling agent" means selling agent as defined in subdivision (g) of Section 1086, exclusive of the requirement that the agent be a participant in a multiple listing service as defined in Section 1087.
  - SEC. 4. Section 2079.10a of the Civil Code is amended to read:

2079.10a. (a) Every lease or rental agreement for residential real property and every contract for sale of residential real property comprising one to four dwelling units, shall contain, in not less than eight-point type, the following notice:

Department Justice, sheriff's Notice: The California of departments, police departments serving jurisdictions of 200,000 or more and many other local law enforcement authorities maintain for public access a data base of the locations of persons required to register pursuant to paragraph (1) of subdivision (a) of Section 290.4 of the Penal Code. The data base is updated on a quarterly basis and a source of information about the presence of these individuals in any neighborhood. The Department of Justice also maintains a Sex Offender Identification Line through which inquiries about individuals may be made. This is a "900" telephone service. Callers must have specific information about individuals they are checking. Information regarding neighborhoods is not available through the "900" telephone service.

- (b) Subject to subdivision (c), upon delivery of the notice to the lessee or transferee of the real property, the lessor, seller, or broker is not required to provide information in addition to that contained in the notice regarding the proximity of registered sex offenders. The information in the notice shall be deemed to be adequate to inform the lessee or transferee about the existence of a statewide data base of the locations of registered sex offenders and information from the data base regarding those locations. The information in the notice shall not give rise to any cause of action against the disclosing party by a registered sex offender.
- (c) Notwithstanding subdivisions (a) and (b), nothing in this section shall alter any existing duty of the lessor, seller, or broker

Ch. 876 — **12** —

under any other statute or decisional law including, but not limited to, the duties of a lessor, seller, or broker under this article, or the duties a seller or broker under Article 1.5 (commencing with Section 1102) or Chapter 2 of Title 4 of Part 4 of Division 2.

- (d) Subdivision (a) of this section shall apply only to written agreements and contracts that are entered into by the parties on or after July 1, 1999.
- SEC. 5. Section 8589.3 of the Government Code is amended to read:
- 8589.3. (a) A person who is acting as an agent for a transferor of real property that is located within a special flood hazard area (any type Zone "A" or "V") designated by the Federal Emergency Management Agency, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a special flood hazard area.
- (b) Disclosure is required pursuant to this section only when one of the following conditions is met:
- (1) The transferor, or the transferor's agent, has actual knowledge that the property is within a special flood hazard area.
- (2) The local jurisdiction has compiled a list, by parcel, of properties that are within the special flood hazard area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.
- (c) In all transactions that are subject to Section 1103 of the Civil Code, the disclosure required by subdivision (a) of this section shall be provided by either of the following means:
- (1) The Local Option Real Estate Disclosure Statement as provided in Section 1102.6a of the Civil Code.
- (2) The Natural Hazard Disclosure Statement as provided in Section 1103.2 of the Civil Code.
- (d) For purposes of the disclosure required by this section, the following persons shall not be deemed agents of the transferor:
  - (1) Persons specified in Section 1103.11 of the Civil Code.
- (2) Persons acting under a power of sale regulated by Section 2924 of the Civil Code.
  - (e) Section 1103.13 of the Civil Code shall apply to this section.
- (f) The specification of items for disclosure in this section does not limit or abridge any obligation for disclosure created by any other provision of law or that may exist in order to avoid fraud, misrepresentation, or deceit in the transfer transaction.
- (g) A notice shall be posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the special flood hazard area map, any relevant Letters of Map Revision from the Federal Emergency Management Agency, and any parcel list compiled by the local jurisdiction.

— **13** — Ch. 876

SEC. 6. Section 8589.4 of the Government Code is amended to read:

- 8589.4. (a) A person who is acting as an agent for a transferor of real property that is located within an area of potential flooding shown on an inundation map designated pursuant to Section 8589.5, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within an area of potential flooding.
- (b) Disclosure is required pursuant to this section only when one of the following conditions is met:
- (1) The transferor, or the transferor's agent, has actual knowledge that the property is within an inundation area.
- (2) The local jurisdiction has compiled a list, by parcel, of properties that are within the inundation area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.
- (c) In all transactions that are subject to Section 1103 of the Civil Code, the disclosure required by subdivision (a) of this section shall be provided by either of the following means:
- (1) The Local Option Real Estate Disclosure Statement as provided in Section 1102.6a of the Civil Code.
- (2) The Natural Hazard Disclosure Statement as provided in Section 1103.2 of the Civil Code.
- (d) For purposes of the disclosure required by this section, the following persons shall not be deemed agents of the transferor:
  - (1) Persons specified in Section 1103.11 of the Civil Code.
- (2) Persons acting under a power of sale regulated by Section 2924 of the Civil Code.
  - (e) Section 1103.13 of the Civil Code shall apply to this section.
- (f) The specification of items for disclosure in this section does not limit or abridge any obligation for disclosure created by any other provision of law or that may exist in order to avoid fraud, misrepresentation, or deceit in the transfer transaction.
- SEC. 7. Section 51183.5 of the Government Code is amended to read:
- 51183.5. (a) A transferor of real property that is located within a very high fire hazard severity zone, designated pursuant to this chapter, shall disclose to any prospective transferee the fact that the property is located within a very high fire hazard severity zone, and is subject to the requirements of Section 51182.
- (b) Disclosure is required pursuant to this section only when one of the following conditions is met:
- (1) The transferor, or the transferor's agent, has actual knowledge that the property is within a very high fire hazard severity zone.
- (2) A map that includes the property has been provided to the local agency pursuant to Section 51178, and a notice is posted at the offices of the county recorder, county assessor, and county planning

Ch. 876 — **14** —

agency that identifies the location of the map and any information regarding changes to the map received by the local agency.

- (c) In all transactions that are subject to Section 1103 of the Civil Code, the disclosure required by subdivision (a) of this section shall be provided by either of the following means:
- (1) The Local Option Real Estate Disclosure Statement as provided in Section 1102.6a of the Civil Code.
- (2) The Natural Hazard Disclosure Statement as provided in Section 1103.2 of the Civil Code.
- (d) If the map or accompanying information is not of sufficient accuracy or scale that a reasonable person can determine if the subject real property is included in a very high fire hazard zone, the transferor shall mark "Yes" on the Natural Hazard Disclosure Statement. The transferor may mark "No" on the Natural Hazard Disclosure Statement if he or she attaches a report prepared pursuant to subdivision (c) of Section 1103.4 of the Civil Code that verifies the property is not in the hazard zone. Nothing in this subdivision is intended to limit or abridge any existing duty of the transferor or the transferor's agents to exercise reasonable care in making a determination under this subdivision.
  - (e) Section 1103.13 of the Civil Code shall apply to this section.
- (f) The specification of items for disclosure in this section does not limit or abridge any obligation for disclosure created by any other provision of law or that may exist in order to avoid fraud, misrepresentation, or deceit in the transfer transaction.
- SEC. 8. Section 2621.9 of the Public Resources Code is amended to read:
- 2621.9. (a) A person who is acting as an agent for a transferor of real property that is located within a delineated earthquake fault zone, or the transferor, if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a delineated earthquake fault zone.
- (b) Disclosure is required pursuant to this section only when one of the following conditions is met:
- (1) The transferor, or the transferor's agent, has actual knowledge that the property is within a delineated earthquake fault zone.
- (2) A map that includes the property has been provided to the city or county pursuant to Section 2622, and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the county.
- (c) In all transactions that are subject to Section 1103 of the Civil Code, the disclosure required by subdivision (a) of this section shall be provided by either of the following means:
- (1) The Local Option Real Estate Transfer Disclosure Statement as provided in Section 1102.6a of the Civil Code.

**— 15** — Ch. 876

- (2) The Natural Hazard Disclosure Statement as provided in Section 1103.2 of the Civil Code.
- (d) If the map or accompanying information is not of sufficient accuracy or scale that a reasonable person can determine if the subject real property is included in a delineated earthquake fault hazard zone, the agent shall mark "Yes" on the Natural Hazard Disclosure Statement. The agent may mark "No" on the Natural Hazard Disclosure Statement if he or she attaches a report prepared pursuant to subdivision (c) of Section 1103.4 of the Civil Code that verifies the property is not in the hazard zone. Nothing in this subdivision is intended to limit or abridge any existing duty of the transferor or the transferor's agents to exercise reasonable care in making a determination under this subdivision.
- (e) For purposes of the disclosures required by this section, the following persons shall not be deemed agents of the transferor:
  - (1) Persons specified in Section 1103.11 of the Civil Code.
- (2) Persons acting under a power of sale regulated by Section 2924 of the Civil Code.
- (f) For purposes of this section, Section 1103.13 of the Civil Code shall apply.
- (g) The specification of items for disclosure in this section does not limit or abridge any obligation for disclosure created by any other provision of law or that may exist in order to avoid fraud, misrepresentation, or deceit in the transfer transaction.
- SEC. 9. Section 2694 of the Public Resources Code is amended to read:
- 2694. (a) A person who is acting as an agent for a transferor of real property that is located within a seismic hazard zone, as designated under this chapter, or the transferor, if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a seismic hazard zone.
- (b) Disclosure is required pursuant to this section only when one of the following conditions is met:
- (1) The transferor, or transferor's agent, has actual knowledge that the property is within a seismic hazard zone.
- (2) A map that includes the property has been provided to the city or county pursuant to Section 2622, and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the county.
- (c) In all transactions that are subject to Section 1103 of the Civil Code, the disclosure required by subdivision (a) of this section shall be provided by either of the following means:
- (1) The Local Option Real Estate Transfer Disclosure Statement as provided in Section 1102.6a of the Civil Code.
- (2) The Natural Hazard Disclosure Statement as provided in Section 1103.2 of the Civil Code.

Ch. 876 — **16** —

- (d) If the map or accompanying information is not of sufficient accuracy or scale that a reasonable person can determine if the subject real property is included in a seismic hazard zone, the agent shall mark "Yes" on the Natural Hazard Disclosure Statement. The agent may mark "No" on the Natural Hazard Disclosure Statement if he or she attaches a report prepared pursuant to subdivision (c) of Section 1103.4 of the Civil Code that verifies the property is not in the hazard zone. Nothing in this subdivision is intended to limit or abridge any existing duty of the transferor or the transferor's agents to exercise reasonable care in making a determination under this subdivision.
- (e) For purposes of the disclosures required by this section, the following persons shall not be deemed agents of the transferor:
  - (1) Persons specified in Section 1103.11 of the Civil Code.
- (2) Persons acting under a power of sale regulated by Section 2924 of the Civil Code.
- (f) For purposes of this section, Section 1103.13 of the Civil Code applies.
- (g) The specification of items for disclosure in this section does not limit or abridge any obligation for disclosure created by any other provision of law or that may exist in order to avoid fraud, misrepresentation, or deceit in the transfer transaction.
- SEC. 10. Section 4136 of the Public Resources Code is amended to read:
- 4136. (a) A transferor of real property that is located within a state responsibility area determined by the board, pursuant to Section 4125, shall disclose to any prospective transferee the fact that the property is located within a wildland area that may contain substantial forest fire risks and hazards and is subject to the requirements of Section 4291.
- (b) Except for property located within a county that has assumed responsibility for prevention and suppression of all fires pursuant to Section 4129, the transferor shall also disclose to any prospective transferee that it is not the state's responsibility to provide fire protection services to any building or structure located within the wildlands unless the department has entered into a cooperative agreement with a local agency for those purposes pursuant to Section 4142.
- (c) Disclosure is required pursuant to this section only when one of the following conditions is met:
- (1) The transferor, or the transferor's agent, has actual knowledge that the property is within a wildland fire zone.
- (2) A map that includes the property has been provided to the city or county pursuant to Section 4125, and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the county.

**— 17** — Ch. 876

- (d) In all transactions that are subject to Section 1103 of the Civil Code, the disclosures required by this section shall be provided by either of the following means:
- (1) The Local Option Real Estate Disclosure Statement as provided in Section 1102.6a of the Civil Code.
- (2) The Natural Hazard Disclosure Statement as provided in Section 1103.2 of the Civil Code.
- (e) If the map or accompanying information is not of sufficient accuracy or scale that a reasonable person can determine if the subject real property is included in a wildland fire zone, the agent shall mark "Yes" on the Natural Hazard Disclosure Statement. The agent may mark "No" on the Natural Hazard Disclosure Statement if he or she attaches a report prepared pursuant to subdivision (c) of Section 1103.4 of the Civil Code that verifies the property is not in the hazard zone. Nothing in this subdivision is intended to limit or abridge any existing duty of the transferor or the transferor's agents to exercise reasonable care in making a determination under this subdivision.
- (f) For purposes of this section, Section 1103.13 of the Civil Code applies.
- (g) The specification of items for disclosure in this section does not limit or abridge any obligation for disclosure created by any other provision of law or that may exist in order to avoid fraud, misrepresentation, or deceit in the transfer transaction.